

Richard L. Swenson, #14137  
12718 Gold Street  
Omaha, Nebraska 68144  
(402) 498-8336  
(402) 498-8336 Fax

TERRY J. HANSON  
P.O. Box 578/14 N. 9<sup>th</sup> Street  
Miles City, MT 59301  
(406) 232-3074  
(406) 234-5449 Fax

ATTORNEYS FOR PLAINTIFF

**MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CARTER COUNTY**

BERNADETTE A. ALLISON,

Plaintiff,

vs.

PRICE GREGORY INTERNATIONAL,  
INC., a Texas Corporation,

Defendant.

Cause No. DY-6-2013-18PI

Hon. George W. Huss

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

COMES NOW, the Plaintiff in the above entitled action and for her cause of action  
against the Defendant, alleges as follows:

I.

At all times pertinent hereto, the Defendant is a Texas Corporation, duly authorized to  
conduct business in the State of Montana and was conducting business under the laws of the

1 State of Montana; the Plaintiff is a resident of the State of Nebraska.

2 II.

3 At all times pertinent hereto, highway US 212 is in common use by the residents of Carter  
4 County and others. Said highway intersects with Secondary Road 277 which is also in common  
5 use by the residents of Carter County and others.  
6

7 III.

8 On or about August 2, 2010, at about 12:45 p.m., the Plaintiff was a passenger on a  
9 Harley Davidson, Electra Glide motorcycle being operated by her husband, George J. Allison, Jr.  
10 in an easterly direction on highway US 212 approaching its intersection with Secondary Road  
11 277. The motorcycle on which the Plaintiff was a passenger was following a truck tractor towing  
12 a long pipe trailer owned by the Defendant and operated by an employee of the Defendant, all  
13 while under the direction and control of the Defendant. Defendant's truck and tractor trailer, was  
14 loaded with very long sections of large diameter pipe which were overhanging past the rear of the  
15 trailer approximately 8 feet.  
16  
17

18 IV.

19 As the motorcycle on which the Plaintiff was a passenger was following the Defendant's  
20 truck and tractor trailer, it began to turn left onto Secondary Road 277. As the Defendant's  
21 tractor and trailer executed its left hand turn, the Plaintiff's driver steered his motorcycle to the  
22 right hand side of the eastbound lane to safely pass the tractor and trailer after it cleared the  
23 eastbound lane of traffic. Unbeknownst to the Plaintiff's driver, the trailer being towed by the  
24 Defendant's truck tractor had a steerable rear axil. Defendant's driver employee, while making  
25 the left turn onto Secondary Road 277, through negligent errors of omission or commission,  
26  
27

1 suddenly and without warning steered the rear of the trailer and its load of pipe so that it  
2 completely extended across the eastbound traffic lane and over the shoulder of said eastbound  
3 traffic lane.  
4

5 V.

6 The hazardous condition, created by the Defendant's aforesaid negligence, left Plaintiff's  
7 driver with no options other than to turn to his right and lay his motorcycle on its side to avoid  
8 being struck by the pipe extending from the rear of Defendant's trailer. The combination of the  
9 steerable trailer with the pipe overhang created a foreseeable ultra hazardous condition that  
10 required warning the unsuspecting traveling public, such as the Plaintiff, of the danger by means  
11 of signs and/or flagmen. Further, the Defendant's driver employee, knew or should have known  
12 of the hidden danger posed by the combination of the steerable trailer with the pipe overhang.  
13 Defendant's driver, through errors of omission or commission negligently failed to keep a proper  
14 lookout to his rear before driving the trailer onto the eastbound traffic lane.  
15  
16

17 VI.

18 As a result of having to lay his motorcycle over its side as the only way to avoid the rear  
19 end of the trailer and the pipe overhang, the Plaintiff's body was thrown from the motorcycle and  
20 skidded and tumbled through the gravel on the shoulder of the road and then into the ditch for a  
21 distance of approximately 200 feet causing personal injuries to the Plaintiff as hereinafter set  
22 forth.  
23

24 VII.

25 As the direct and proximate result of the negligence and carelessness of the Defendant,  
26 the Plaintiff sustained serious ligamentous, muscular, nerve and soft tissue damage to her torso  
27  
28

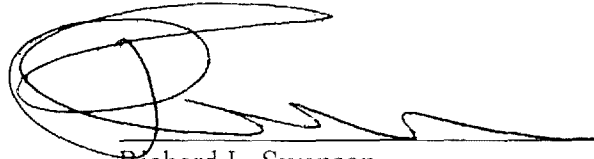
1 and extremities which have caused, now cause and in the future will continue to cause severe and  
2 permanent injuries. As a result of her injuries, the Plaintiff had to be transported home by private  
3 aircraft, sustained medical expenses and incidental expenses totaling in excess of \$35,000.  
4

5 WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

- 6 1. For a sum of money for special and general damages in the excess of the  
7 minimum jurisdiction of this Court;
- 8 2. For Court costs; and
- 9 3. For such other and further relief as the Court may deem just and equitable in the  
10 premises.  
11

12 **PLAINTIFF DEMANDS TRIAL BY JURY**

13 DATED this 18<sup>th</sup> day of July, 2013.

14  
15  
16 

17 Richard L. Swenson  
18 Attorney for Plaintiff  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATE 7/20/2016  
TIME SERVED 1417  
Rmm OFFICER

COPY  
COPY

**MONTANA SIXTEENTH JUDICIAL DISTRICT COURT  
CARTER COUNTY**

BERNADETTE A. ALLISON,

Plaintiff,

vs.

PRICE GREGORY INTERNATIONAL,  
INC., a Texas Corporation.

Defendant.

Cause No. DV-6-2013-18-PI

*Honorable Nickolas C. Murnion*

SUMMONS

THE STATE OF MONTANA, To the above named Defendant, Greetings:

To: Price Gregory International, Inc., a Texas Corporation  
Corporation Service Company  
26 W. Sixth Avenue  
Helena, MT 59624-1691

You are hereby summoned to appear and answer the Complaint in this action, which is filed in the above-entitled Court before the District Court Judge in and for the County of Carter and State of Montana, at the Carter County Courthouse, Ekalaka, Montana, and to file your answer and serve a copy thereof upon the Plaintiff or upon either of the Plaintiff's attorneys within twenty one (21) days after service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

WITNESS my hand and the seal of said Court this 18<sup>th</sup> day of May, 2016.

*Lorena Parker*  
Clerk of Court

(COURT SEAL)

By:                       
Deputy Clerk

Richard L. Swenson, #14137  
12718 Gold Street  
Omaha, Nebraska 68144  
(402) 498-8336

Terry J. Hanson  
P.O. Box 578/14 N. 9<sup>th</sup>  
Miles City, MT 59301  
(406) 232-3074

ATTORNEYS FOR PLAINTIFF

**Bernadette A. Allison vs. Price Gregory International, Inc.,**

Filed: 7/24/2013  
Subtype: Personal Injury/Death

**Status History**

Open 7/24/2013

**Plaintiffs**

Pl. no. 1 Allison, Bernadette A.

**Attorneys**

Hanson, Terry J. (Primary attorney) Send Notices

**Defendants**

Def. no. 1 Price Gregory International, Inc.,

**Judge History**

Date	Judge	Reason for Removal
7/24/2013	Huss, George W.	Retired
1/5/2016	Hayworth, Michael B.	Recused
3/17/2016	Murnion, Nickolas C	Current

**Register of Actions**

Doc. Seq.	Entered	Filed	Text	Judge
1.000	07/24/2013	07/24/2013	Complaint and Demand for Jury Trial	Huss, George W.
2.000	08/22/2013	08/22/2013	Pro Hac Vice Application	Huss, George W.
3.000	09/05/2013	09/05/2013	Motion for Admission Pro Hac Vice	Huss, George W.
4.000	09/06/2013	09/06/2013	Order for Admission Pro Hac Vice	Huss, George W.
5.000	03/15/2016	03/15/2016	Notice of Failure to Prosecute	Hayworth, Michael B.
6.000	05/18/2016	05/18/2016	Summons: Issued	Murnion, Nickolas C
7.000	05/18/2016	05/18/2016	Summons: Summons: Issued to Bernadette A. Allison on 5/18/2016; Service Fee of \$0.00. Original Summons returned to Terry J. Hanson	Murnion, Nickolas C
8.000	05/31/2016	05/27/2016	Response to Notice of Failure to Prosecute	Murnion, Nickolas C
9.000	07/11/2016	07/11/2016	Summons: Issued	Murnion, Nickolas C